

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.21688 of 2002 &
WPMP NO:24726 of 2007

12.9.2007

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Between

Marati Lingaiah

..Petitioner

AND

The Revenue Divisional Officer, Peddapalli and another ..Respondents

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:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.21688 of 2002 &
WPMP NO:24726 of 2007

The writ petitioner is a fair price shop dealer of Shop No.4818 at Maredupalli Village, Peddapalli Mandal in Karimnagar District. By an order dated 29.8.2002, the Revenue Divisional Officer, Peddapalli cancelled the authorization issued in favour of the writ petitioner as fair price shop dealer. In terms of Clause 20 of the Andhra Pradesh State (Public Distribution System) Control Order, 2001, an Appeal against the orders of the Revenue Divisional Officer would lie to the Joint Collector. The writ petitioner had preferred such an Appeal on 11.9.2002. He also sought for certain interim directions therein. Finding that the Joint Collector—appellate authority has not passed any orders either on his Appeal or on the stay application, the writ petitioner has moved this Court by instituting the above writ petition. While entertaining this writ petition on 1.11.2002, this Court passed interim orders suspending the operation of the orders passed by the Revenue Divisional Officer dated 29.8.2002. The writ petitioner is now continuing by virtue of the interim orders passed by this Court as fair price shop dealer of the shop concerned. Since the matter centers around several facts which are in controversy, it is only proper that the appellate authority should appreciate the entire matter on its merits and pass appropriate orders thereon.

Pursuant to my orders dated 29.8.2007, the Revenue Divisional Officer, Peddapalli had filed a detailed counter

affidavit pointing out that the interim suspension order passed by this Court has been construed as a hindrance for entertaining the Appeal and deciding the same on its merits. This is the reason why the Joint Collector, Karimnagar did not decide the Appeal for the last five years. In view of this statement, it is clarified that the exercise of appellate powers are independent and they ought to have been carried out faithfully. So long as the orders passed by this Court subsist, perhaps the orders passed by the Joint Collector in the Appeal could not have been given effect to. That is all together a different matter. But however, taking the explanation offered as a bonafide mistake, I consider it appropriate to direct that the Appeal preferred by the writ petitioner on 11.9.2002 against the orders passed by the Revenue Divisional Officer canceling the authorization for his fair price shop, be entertained and decided as expeditiously as possible, at any rate before 31.12.2007. It is needless to observe that fair and reasonable opportunity would be provided to the writ petitioner before deciding the Appeal and the Appeal would be decided on its merits. Till the disposal of the Appeal, the petitioner shall be permitted to function as fair price shop dealer provided there are no allegations leveled against him which disentitle him from functioning as such.

The writ petition is accordingly, disposed of. No costs.

In view of the order passed now while disposing of the writ petition, I do not consider it worthwhile to appropriate a sum of Rs.5,000/- as directed to be paid by the Revenue Divisional Officer from out of his personal funds. I therefore dispense with the necessity to deposit this money with the Registrar

(Judicial). W.P.M.P. No.24726 of 2007 is accordingly, disposed
of.

NOOTY RAMA MOHANA RAO.J.

12.9.2007
psr